IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLAGTE JURISDICTION

WRIT PETITION NO 3133 OF 2006

Mr. Ramji Babu Naik & Ors. ..Petitioners.
V/s
The State of Maharashtra & Anrs. ..Respondents.

Mr.A.M. Saraogi, Advocate i/b Mr. D.R.Tiwari, Advocate for the petitioners.

Mr. P.I. Khemani, AGP for respondent NO.1
Mr. J.J. Xavier, Advocate for B.M.C./respondent No.2.

CORAM : K.J. ROHEE, J.

DATE : 9TH MAY, 2006.

p.c.

. Rule made returnable forthwith. By consent of the parties heard finally.

2. Heard Mr. A.M. Saraogi, Advocate for the petitioners and Mr. P.I. Khemani, AGP for respondent No.1 and Mr. J.J. Xavier, Advocate for respondent No.2.

3. Mr. Saraogi, Advocate for the petitioners states that the structure described in the notice dated 20/4/2006 has not yet been demolished either by the

petitioners or by the Corporation authorities. Mr. J.J. Xavier, the learned Counsel for the Corporation submitted that the reply dated 21st April, 2006 forwarded by the petitioners to the Municipal authorities would be considered before taking action of demolition in pursuance of the notice dated 20/4/2006. In view of this statement, nothing survives in the present writ petition.

4. The Municipal authorities are directed to consider the reply dated 21st April, 2006 submitted by the petitioners, to give them personal hearing and take decision preferably within 4 weeks from today. In case, the decision goes against the petitioners, they would be protected for two weeks thereafter.

5. Rule is made absolute in above terms with no order as to costs.

(K.J. ROHEE J.)